

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE**

In re

FTX TRADING LTD., *et al.*,

Debtors.

Chapter 11

Case No. 22-11068

(Jointly Administered)

ALAMEDA RESEARCH LTD. and  
CLIFTON BAY INVESTMENTS LLC  
f/k/a ALAMEDA RESEARCH  
VENTURES LLC,

Plaintiffs,

v.

MICHAEL KIVES, BRYAN BAUM, K5  
GLOBAL HOLDINGS LLC, K5 GLOBAL  
TECHNOLOGY LLC, MBK CAPITAL  
LP SERIES T, K5 GROWTH CO-INVEST  
I GP LLC, K5 GLOBAL GROWTH  
FUND I GP LLC, K5 GLOBAL  
VENTURES LLC, MOUNT OLYMPUS  
CAPITAL LP, MOUNT OLYMPUS  
CAPITAL LLC, K5 GLOBAL GROWTH  
FUND II LP, K5 GLOBAL GROWTH  
FUND II GP LLC, K5X FUND I LP, K5X  
FUND I LLC, and SGN ALBANY LLC,

Defendants.

Adv. Pro. No. 23-50411 (JTD)

**JURY TRIAL DEMANDED**

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**K5 DEFENDANTS' MOTION TO WITHDRAW THE REFERENCE**

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The K5 Defendants<sup>1</sup> in the above-captioned adversary proceeding (the “Adversary Proceeding”), by and through their undersigned counsel, respectfully submit this motion for entry of an order, substantially in the form attached hereto as **Exhibit A**, withdrawing the reference of the Adversary Proceeding pending in the United States Bankruptcy Court for the District of Delaware pursuant to 28 U.S.C. § 157(d), Rule 5011 of the Federal Rules of Bankruptcy Procedure, and Rule 5011-1 of the Local Rules of Bankruptcy Practice and Procedure of the United States Bankruptcy Court for the District of Delaware (the “Local Rules”).

In support of their motion, the K5 Defendants have contemporaneously filed herewith the *Memorandum of Law in Support of the K5 Defendants’ Motion to Withdraw the Reference*.

For the avoidance of doubt, pursuant to Local Rule 7012-1, the K5 Defendants do not consent to the entry of final judgment by the Bankruptcy Court.

### **DEMAND FOR JURY TRIAL**

Pursuant to Fed. R. Civ. P. 38(b), the K5 Defendants hereby file their demand that this action be tried by a jury composed of the maximum number allowed by law, on *each and every issue and claim so triable*.

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<sup>1</sup> For definitional purposes here only, the venture capital firm as a whole is referred to herein as “K5 Global.” K5 Global in fact consists of a number of entities that do not bear actual corporate relationships, although they are all supervised directly or indirectly by Defendants Kives and Baum, along with an appropriate management team. In this filing, Defendants Michael Kives, Bryan Baum, K5 Global Holdings, LLC, K5 Global Technology, LLC, MBK Capital, LP – Series T, K5 Global Growth Co-Invest I GP, LLC, K5 Global Growth Fund I GP, LLC, K5 Global Ventures, LLC, Mount Olympus Capital, LP, Mount Olympus Capital, LLC, K5 Global Growth Fund II, LP, K5 Global Growth Fund II GP, LLC, K5X Fund I, LP, and K5X Fund I, LLC are collectively referred to as the “K5 Defendants.”

Dated: August 17, 2023  
Wilmington, Delaware

Respectfully submitted,

**POTTER ANDERSON & CORROON LLP**

/s/ Jeremy W. Ryan

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**CERTIFICATE OF SERVICE**

I, Jeremy W. Ryan, do hereby certify that on August 17, 2023, a copy of the foregoing *K5 Defendants' Motion to Withdraw the Reference* was served on the following parties in the manner indicated:

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